

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

**CIVIL CONFERENCE  
MINUTE ORDER**

BEFORE: A. KATHLEEN TOMLINSON  
U.S. MAGISTRATE JUDGE

DATE: 9/22/09  
TIME: 10:00 AM

*Qureshi v. Glen Cove Marina*, CV 09-2355 (JFB) (AKT)

TYPE OF CONFERENCE: **INITIAL CONFERENCE**

APPEARANCES: Plaintiff Brendan Burke  
Defendant Robert A. Novak

SCHEDULING:

A Status Conference is scheduled for February 9, 2010 at 10:00 a.m. in Courtroom 910.

THE FOLLOWING RULINGS WERE MADE:

1. The parties in this admiralty case met for a Rule 26(f) conference and I am adopting the discovery plan submitted by them with several modifications. The Case Management and Scheduling Order will be entered separately. Initial disclosures pursuant to Rule 26(a) have been served by the parties.
2. The parties have until October 27, 2009 to confer and reach an agreement on the method by which electronically stored information ("ESI") shall be produced in this case. The parties are to file a letter on ECF no later than October 27 advising me of what agreement/ procedure has been put in place. In the alternative, if there is no ESI relevant to this case, the parties shall so advise me in the same manner.
3. The parties have not engaged in settlement discussions but I offered to make myself available for a formal settlement conference as discovery moves forward if requested mutually by the parties. If a settlement conference is desired, the parties should call my chambers to arrange a mutually convenient date for all concerned.
4. As set forth in my Individual Rules, as well as the Case Management and Scheduling Order entered today, **three business days before the February 9, 2010 status conference, the parties are directed to file a letter** either reporting that discovery is proceeding on schedule and that there are no pending disputes requiring court intervention, or alternatively briefly describing the issues to be discussed at the conference. As discussed during today's conference, the parties are to address the four items reviewed, including status of the document productions and objections, interrogatories and objections, any outstanding discovery disputes, and the agreement reached regarding who will be deposed and an end-date for completion of such depositions. If warranted, I will cancel or adjourn the conference.
5. Also as set forth in my Individual Rules, as well as the Case Management and Scheduling Order entered today, **no less than two business days before the pretrial conference**, each party must submit by mail or fax (not by ECF) a one-page, *ex parte* statement of its settlement position.

6. In accordance with Local Rule 37.3, the parties are obligated to confer in good faith to resolve any outstanding discovery disputes. If the parties cannot resolve the dispute among themselves the parties should seek judicial intervention by filing the appropriate letter motion as expeditiously as possible. The letter motion must contain a certification that the parties have complied with Local Rule 37.3 and how they have done so.
7. Any amendments or modifications to this Order or to the accompanying Case Management and Scheduling Order must be approved in advance by the Court. Therefore, the parties are not free to grant each other extensions of any deadline set forth in these Orders. All requests for extensions or modifications of any deadline stated in these Orders must be made by letter motion to the Court in advance of the expiration of the deadline. The parties are directed to my Individual Practice Rules for further information.

SO ORDERED

/s/ A. Kathleen Tomlinson  
A. KATHLEEN TOMLINSON  
U.S. Magistrate Judge